

IN RE: PETITION FOR VARIANCE

N/S Church Lane, 200' W
of York Road
8th Election District
3rd Councilmanic District
(20 Church Lane)

Chris & Konstantna Theodoropoulos
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-215-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Chris and Konstantna Theodoropoulos. The Petitioners are requesting variance relief for property they own located at 20 Church Lane in the Cockeysville area of Baltimore County. The variance request is from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 0 ft. to the west side of an existing building at 20 Church Lane in lieu of the minimum required 30 ft.

Appearing at the hearing on behalf of the variance request were Chris Theodoropoulos, Petitioner, Geoffrey Schultz, appearing on behalf of McKee & Associates, the engineers who prepared the site plan of the property and Howard L. Alderman, Jr., attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request was Larry Townsend, a representative of the Greater Timonium Community Council (GTCC). There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, is known as the York Road and Texas Lane Commercial Center. The subject property is located on the west side of York Road, north of its intersection with Church Lane. The subject

1/29/02
M. J. J. J.

property is improved with a one story commercial building which is shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence. The actual property involved in this particular variance request is depicted on Petitioner's Exhibit No. 3 and highlighted in pink and green color. For many years these areas, which are highlighted, were the subject of a cross-parking agreement entered into by this Petitioner and the adjacent property owner, Mr. Mathias. As it worked out, the parking spaces owned by Theodoropoulos better served the business owned by Mr. Mathias and vice versa. Therefore, these gentlemen simply entered into a parking agreement whereby each could use the others parking. At this time, however, the Petitioner and Mr. Mathias wish to take this matter one step further by actually conveying the land and parking spaces to the other so that this parking arrangement can continue in perpetuity. Therefore, the parties propose a lot line adjustment which, in essence, makes both of these properties more functional and clears title to this parking arrangement. However, by resolving this particular issue the variance request is necessary, given that the building owned by Mr. Theodoropoulos will now be situated on a new property line.

It should be noted that there is no new construction proposed by either of these property owners. This is simply an attempt by both property owners to make their properties more functional and better serve the businesses that are located thereon.

As sated previously, Mr. Larry Townsend appeared on behalf of the GTCC. Mr. Townsend does not oppose the efforts of these property owners to clear up this issue over parking. However, Mr. Townsend is concerned that the granting of this 0 ft. side yard setback variance would prove beneficial in the event the building located at #20 Church Lane is ever torn down and a new commercial building built in its place. He, therefore, asks that the granting of

1/29/02
J. J. Townsend

the variance for this particular building be limited so as not to apply for any type of new construction to occur on the property.

After considering the testimony and evidence regarding this variance request, I find that the variance should be granted to allow these property owners to perform this lot line adjustment in order to clear title to the parking arrangement. As stated previously, by doing so a variance is generated due to the relocation of the lot line. However, the granting of the variance will not cause any adverse impact on any adjacent or neighboring property and actually will, in effect, provide for a better flow of traffic on each particular property.

As to Mr. Townsend's concern over the demolition of this building and the construction of a new building on the property, I find that the granting of the variance shall run with the land, but shall only apply to the footprint of this existing building. That is, the Petitioners herein can tear down and reconstruct a new building with the same dimensions as that which currently exists on the property without any need for an additional public hearing. However, in the event the Petitioners wish to construct a new building in the future that has a footprint larger than the existing building, thereby expanding the variance granted herein, then a new variance would be necessary for that portion of the new building that extends beyond the footprint of the existing building, on the side where the 0 ft. side yard variance has been granted.

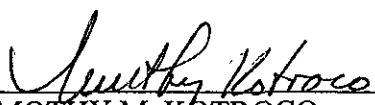
THEREFORE, IT IS ORDERED this 27th day of January, 2002, by this Deputy Zoning Commissioner, that the variance requested by Petitioners from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 0 ft. to the west side of an existing building at 20 Church Lane in lieu of the minimum required 30 ft., be and is hereby GRANTED.

1/29/02
J.R. Gennep

IT IS FURTHER ORDERED, that the variance granted herein shall apply to the footprint of the existing building as shown on Petitioners' Exhibit No. 1. The Petitioners shall be permitted to replace this building in the future with a new structure of similar footprint. However, in the event the Petitioners replace the existing building with a larger structure, thereby expanding upon the amount of sidewall of the new building (over and above the existing 57 ft.), then a new public hearing shall be held as to whether this increase in building size is appropriate.

IT IS FURTHER ORDERED, that each and every one of the conditions and restrictions imposed at the end of this Order were a principal reason for the granting of the special exception and variance herein. Any appeal from any one of these particular restrictions and/or conditions shall be deemed to be an appeal of the entire relief granted herein. The Petitioners shall not be permitted to pick and choose any one particular restriction, thereby filing appeal of only that issue. Any appeal filed shall be an appeal of this entire Order.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

FILED
1/29/02
J.R. Jenson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 29, 2002

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variance
Case No. 02-215-A
Property: 20 Church Lane

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

Chris Theodoropoulos
10835 Sandringham Road
Cockeysville, MD 21030

Geoffrey Schultz, P.E.
McKee & Associates
5 Shawan Road
Cockeysville, MD 21030

Larry Townsend
c/o Greater Timonium Community Council
1111 Long Brook Road
Lutherville, MD 21093



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 20 Church Lane

which is presently zoned BR-IM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

238.2 to allow a sideyard setback of 0 feet to the west side of the existing building at 20 Church Lane in lieu of the minimum required 30 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The owner desires to perform a lot line adjustment with the property owner to the west in accordance with an existing lease agreement between the parties. Without the requested relief, the owner cannot transfer the property consistent with said lease agreement, which promotes better use of each property and increases parking for both sites.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print Howard L. Alderman, Jr.

Signature Howard L. Alderman, Jr.

Company Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 W. Chesapeake Avenue (410) 321-0600

Address _____ Telephone No. _____

City Towson, Maryland State 21204 Zip Code _____

Case No. 02-215-A

220 9/15/98

Legal Owner(s):

Name - Type or Print Chris Theodoropoulos

Signature Chris Theodoropoulos

Name - Type or Print Konstantina Theodoropoulos

Signature Konstantina Theodoropoulos

Address 10835 Sandringham Road (410) 666-0006

City Cockeysville, Maryland State 21030 Zip Code _____

Representative to be Contacted:

Name Geoffrey C. Schultz

Company McKee & Associates, Inc.

Address 5 Shawan Road, Suite 1 (410) 527-1555

City Cockeysville, Maryland State 21030 Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By JK Date 11/20/01

215

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

November 12, 2001



**ZONING DESCRIPTION OF
20 CHURCH LANE
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING at a point on the north side of Church Lane (54 feet wide) at a distance of 200 feet west of the centerline of York Road (80 feet wide); thence running South 83 degrees 19 minutes 42 seconds East, 142.04 feet, North 08 degrees 20 minutes 21 seconds West, 80.61 feet, North 71 degrees 07 minutes 56 seconds East, 23.32 feet, North 18 degrees 51 minutes 22 seconds West, 118.69 feet, North 82 degrees 34 minutes 44 seconds East, 91.75 feet, and South 18 degrees 54 minutes 25 seconds East, 240.97 feet to the place of beginning.

CONTAINING 23,350 square feet or 0.536 acres of land, as recorded in deed Liber 7370, folio 561.

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-215-A
20 Church Lane
N/S Church Lane, 200' W
of York Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Chris
Theodoropoulos

Variance: to allow a side yard setback of zero feet to the west side of existing building at 20 Church Lane in lieu of the minimum required 30 feet.

Hearing: Friday, January 25, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Basley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

1/128 Jan. 10 C513988

CERTIFICATE OF PUBLICATION

1/10/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/10/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-215A

Petitioner: Chris Theodoropoulos

Address or Location: York Road + Church Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Chris Theodoropoulos

Address: 10335 Sandringham Road
Cockeysville, Road 21030
~~410~~

Telephone Number: 410 666 0006

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 10, 2002 Issue – Jeffersonian

Please forward billing to:

Chris Theodoropoulos
10335 Sandringham Road
Cockeysville MD 21030

410 666-0006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-215-A

20 Church Lane

N/S Church Lane, 200' W of York Road

8th Election District – 3rd Councilmanic District

Legal Owner: Chris Theodoropoulos

Variance: to allow a side yard setback of zero feet to the west side of existing building at 20 Church Lane in lieu of the minimum required 30 feet.

HEARING: Friday, January 25, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 24, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-215-A
20 Church Lane
N/S Church Lane, 200' W of York Road
8th Election District – 3rd Councilmanic District
Legal Owner: Chris Theodoropoulos

Variance: to allow a side yard setback of zero feet to the west side of existing building at 20 Church Lane in lieu of the minimum required 30 feet.

HEARING: Friday, January 25, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G.D. 2
Director

C: Howard L Alderman Jr, Levin & Gann, Nottingham Centre, 8th Floor,
502 W Chesapeake Avenue, Towson 21204
Chris & Konstantna Theodoropoulos, 10835 Sandringham Road,
Cockeysville 21030
Geoffrey C Schultz, McKee & Associates Inc, 5 Shawan Rd, Ste 1
Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 10, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 23, 2002

Howard L Alderman Jr
Levin & Gann
Nottingham Centre, 8th Floor
502 W Chesapeake Avenue
Towson MD 21204

Dear Mr. Alderman:

RE: Case Number: 02-215-A, 20 Church Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 20, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures


c: Konstantna & Chris Theodoropoulos, 10835 Sandringham Road,
Cockeysville 21030
Geoffrey C Schultz, McKee & Associates Inc, 5 Shawan Road, Suite 1,
Cockeysville 21030
People's Counsel

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 11, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2001
Item Nos. 200, 201, 202, 204, 205, 206,
208, 209, 210, 211, 212, 213, 215, 216,
217, 218, 219, and 220

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.


RWB:HJO:jrb

cc: File

semi
1/25

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 11, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2001
Item Nos. 200, 201, 202, 204, 205, 208,
209, 210, 211, 212, 213, 215, 216, 217,
218, 219, and 220
REVISED January 23, 2002
(Item No. 206 has been removed from
the above items and has been updated.)

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 11, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2001
Item No. 207

The Bureau of Development Plans Review has reviewed the subject zoning item.

The elevation protection for this site is 11.2 feet.

The rear of buildings may not be constructed within 20 feet of the flood plain as established for a 100-year flood level with a 1-foot freeboard. *See Plate D19 in the Baltimore County Design Manual.*

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must at 1 foot above the flood plain elevation in all construction.

In accordance with *Bill No. 18-90, Section 26-276*, filling within a flood plain is prohibited.

The developer is responsible for the cost of temporary structures and measures required in the event of sectional development.

The building engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 11, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2001
Item No. 214

The Bureau of Development Plans Review has reviewed the subject zoning item.

The eight parking spaces along the access to the site shall be eliminated.

These type of uses tend to generate a need for a high number of parking spaces; granting the variance will impact the adjacent streets.

The improvements shown along Hammonds Ferry Road are not correct. The road shall be improved along the entire frontage.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 2, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 17, 2001

Item No.: 203, 204, 206, 209, ~~215~~ 216,

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 26, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-206, 02-213, 02-215 & 02-220

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

26

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.31.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED]

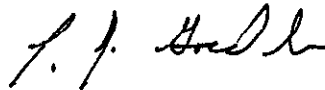
JL

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
20 Church Lane, N/S Church Ln,
200' W of York Rd
8th Election District, 3rd Councilmanic


Legal Owner: Chris & Konstantna Theodoropoulos
Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-215-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

#215

Per ENBR

The proposed Lot Lines
Match the Lease Lines From

98-5-A. No change
from the zoning hearing

as approved. They are

just straightening the Lot/
(with the) Lease lines to agree. This

causes a setback deficiency

DRC B9 LTD. EX. 09100 PD LOT
LINE ADJUSTMENT

JLL

CASE NAME 20 CHURCH LANE
CASE NUMBER 02-215-A
DATE 25 JAN 02

THEODOROPoulos

[illegible]

Case Number 02-215A

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

IN RE: PETITION FOR VARIANCE * BEFORE THE
W/S York Road, 200' N of the *
c/l of Church Lane * DEPUTY ZONING COMMISSIONER
(10010 York Road & 20 Church Lane) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 98-5-A
Chris Theodoropoulos, et ux, and *
George D. Mathias - Petitioners *
* * * * *



FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject adjoining properties, Chris and Konstantina Theodoropolous and George D. Mathias. Specifically, Mr. & Mrs. Theodoropolous own 10010 York Road and 20 Church Lane, which have been identified as Parcels 1 and 2 on the site plan submitted with this Petition. Mr. Mathias owns Parcels A-1, A-2, and B which are located immediately adjacent to Parcel 1, as shown on the site plan. Parcels A-1 and A-2 are leased by Mr. & Mrs. Theodoropolous and are utilized to provide parking for their businesses located on Parcels 1 and 2. The Petitioners come before me seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 111 parking spaces in lieu of the required 149 for proposed additions to the existing buildings. The subject properties and relief sought are more particularly described on the site plan submitted, which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Chris Theodoropolous, property owner, Geoffrey Schultz, Professional Engineer with McKee and Associates, Inc., who prepared the site plan for these properties, Robert Brookman, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. Appearing as a Protestant in the matter was Jeff Jobe, who owns property adjoining 20 Church Lane.

Testimony and evidence offered revealed that the properties which are the subject of this request consist of adjoining lots with a combined gross area of 1.436 acres, zoned B.R.-I.M. Parcel 2, known as 10010 York Road, is an L-shaped parcel which fronts on the west side of York Road and the north side of Church Lane. Parcel 2 is improved with a one-story restaurant, known as the York Inn. Parcel 1, known as 20 Church Lane, abuts the rear of Parcel 2 and fronts on Church Lane. Parcel 1 is improved with a one-story catering hall, known as York Inn Caterers. The Petitioners propose to construct a 12' x 36' addition to the existing restaurant building to provide new and handicapped-equipped restroom facilities in order to meet ADA standards. In addition, the Petitioners propose to construct a 14' x 38.1' addition to the catering hall to provide a vestibule for guests. By virtue of the proposed expansion to the existing restaurant, additional parking must be provided. Furthermore, the proposed addition to the catering hall will result in the loss of two spaces. Thus, the requested variance is necessary in order to proceed with the proposed improvements.

As noted above, Jeff Jobe appeared as a Protestant in the matter. However, at the conclusion of the testimony presented by the Petitioners, Mr. Jobe indicated he had no objections to the proposal, and in fact, supported the Petitioners' request.

It should be noted that there were no adverse comments submitted by any Baltimore County reviewing agency. However, it was recommended by the Office of Planning that the parking lot be posted with a "Parking for Patrons Only" sign to restrict parking on the property to patrons of the businesses. Therefore, as a condition to the relief granted, I shall impose an appropriate restriction at the end of this Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

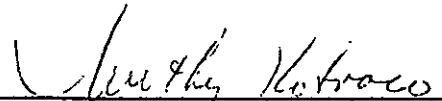
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of September, 1997 that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations to permit 111 parking spaces in lieu of the required 149 for proposed additions, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) To insure that parking on the subject property is limited to patrons of either of the two businesses, the Petitioners shall have the parking lot posted with signs denoting "Parking for Patrons Only".
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

~~PORTION OF EXHIBIT No 1~~
~~CASE No 98-5-A~~

GEORGE D. MATHIAS
HENSON MILL ROAD
RCO, MD 21155
REF.: 5326 / 295.
NO.: 0813078090

5-A
EX. ONE STORY BUILDING
EX. USE MATTRESS STORE :

LEASEHOLD AREAS SHOWN

LAWRENCE B. CRONE 5584 | 502 0802060230

BR-IM

PARCEL A-2
0.091 AC.±
OWNER: MATHIAS
LEASEE: THEODOROPOULAS

PARCEL B
0.048 AC.±
OWNER : THEODOROPOULAS
LEASEE : MATHIAS

EX. ONE STORY BUILDING

PARCEL A-1
0.004 AC.±
OWNER : MATHIAS
LEASEE : THEODOROPOULAS

#10010
YORK RD.
EX. ONE STORY
RESTAURANT

EX. ONE
STORY
BLDG.
EX. USE
AUTO
SALES

10000 YORK ROAD
1517 / 619
0801075050

BR-IM

**PETITIONER'S
EXHIBIT**
#3

GEI

1. ELE

2. COL

3. THE
THIS

4. ZONE

5. ALL

6. THE

1992

7. 4. 4. 4.

SIT

1. EXI

2. GR

3. NE'

4. PR

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577 =

5.17

PORTION OF EXHIBIT No 1
CASE NO 02-215-A

#10012 YORK ROAD
EX. MATTRESS STORE

LAWRENCE B. CRONE REVOC TRUST
12507 / 359
08-02-060230
ZONING = BR-1M
366

~~NO LEASEHOLD -~~
~~ALL FEE SIMPLE~~

P/V 7

(MD STATE ROUTE NO. 45)

~~EX-30R~~

1000 YORK ROAD LLC
08-01-07
ZONING = BR-IN

**PETITIONER'S
EXHIBIT**
#4

E1415000
 MCS
 N654550

PARKING
AREA

BL-CCC

BR

ORK ROAD

45

CRANBROOK

BR IM BR-CCC

BR

SITE

IM

CHURCH LA

ALMS

BR

BR

W 6,000

W 6,000

N 60,000

N 60,000

E 903,000

ROAD

PRIVATE CEMETERY

E 902,000

TEXAS ST JOSEPH'S
CHURCH GILT CROSS

SCALE

1" = 200' ±

LOCATION

ZONING MAP

TEXAS

SHEET

N. W.

16-B

V-SE

U-SW

S-NE

R-NW

DATE
OF
PHOTOGRAPHY
JANUARY
1986

20 CHURCH LANE

215

